

AUG 24 2009

Clerk of Court

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

UNITED STATES OF AMERICA,

VS.

DEVENISH SORZANO,
A#072-726-945§
§
§
§
§
§

CIVIL ACTION NO. B-09-196

ORDER

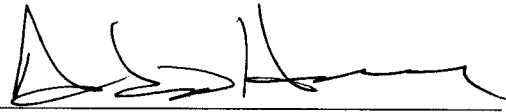
The Court having reviewed the Complaint, the United States' Motion for Temporary Restraining Order or for Preliminary Injunction, and the evidence filed in support thereof, and finding that the United States has not shown that irreparable injury will result absent the entry of a temporary restraining order hereby orders:

- (A) That the motion for a temporary restraining order is denied at this point in time. The current motion before the Court contains no medical support upon which this Court could base the granting of the order requested.
- (B) It is further ordered that a trained medical professional is authorized: (1) to employ the least amount of force necessary to monitor Defendant Devenish Sorzano's vital signs; and (2) to establish whether Mr. Sorzano's life or health will be threatened without forced treatment. The government is ordered to refile its motion as soon as possible and provide by sworn declaration medical evidence as to Mr. Sorzano's current medical condition, his prognosis if the hunger strike continues, and any other ramifications which might result should this strike continue. This additional evidence should include the efforts, if any, made by the government to supply the defendant with needed nourishment, even if such efforts were refused.

A hearing will be heard on the motion for temporary restraining order on September 1, 2009, at 2:00 p.m., unless the refiled motion and accompanying medical evidence indicate the need for an emergency hearing. Should the Court grant a temporary restraining order prior to September 1,

2009, based upon the government's amended filings, the hearing scheduled for September 1, 2009 will address the need for an injunction.

Signed this 24th day of August, 2009.

A handwritten signature in black ink, appearing to read 'Andrew S. Hanen', written over a horizontal line.

Andrew S. Hanen
United States District Judge